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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 200-1297 RLC

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 6/26/06

Signature Saundra M. Lewis

Typed or printed name SAUNDRA M. LEWIS

Application Number	Filed
10/064,731	August 12, 2002

First Named Inventor: Charette et al.

Art Unit	Examiner
2857	Charioui, Mohamed

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☑ attorney or agent of record. Registration number 33,311
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Raymond L. Coppiellie
Signature

Raymond L. Coppiellie
Typed or printed name

313-337-1069
Telephone number

6/26/06
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/064,731
Filing Date:	August 12, 2002
Applicant:	Charette et al.
Group Art Unit:	2857
Examiner:	Charioui, Mohamed
Title:	Method and Apparatus for Objective Measurement of Noise
Attorney Docket:	200-1297-RLC

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REASONS SUPPORTING APPLICANT'S PRE-APPEAL BRIEF REQUEST

Sir:

In response to the Office Action mailed March 27, 2006, to which a timely three-month response is due by June 27, 2006, Applicants hereby file a Notice of Appeal and in addition file a Pre-Appeal Brief Request for Review. Applicants respectfully request a review of the final rejection in the above-identified application for the following reasons.

In addition to applicants' remarks set forth in the communication filed January 4, 2006 applicants point out that Rayment '298 fails to disclose establishing a threshold metric based on sound level. In Rayment '298 the stored data is based on the frequency at which the sound or noise appears, not the level thereof. Specifically, the stored data has a high-low frequency measure with a mean frequency and frequency range. (Col. 3, ll. 57-67 and Col. 4, ll. 15-18.) Accordingly, Rayment '298 does not teach establishing a threshold metric based on a sound level. Further, as conceded by the Examiner, Rayment '298 fails to teach measuring the sound level emitted from the

product. As pointed out previously, Rayment '298 does not disclose measuring sound levels.

Turning now to Uhlig '063, Uhlig '063 discloses measuring the decay rate of the sound level after a peak is reached. The decay is recorded and graphed on a decibel versus time plot. (Col. 4, ll. 32-33.) The disclosure states that the measured values of interest are the frequency of the waveform generator at triggering; i.e., when the waveform generator produces peak output amplitude and the slope of the sound level decay curve. (Col. 4, ll. 34-37.) These two values are used to determine vibration damping performance referred to as the Q-factor. (Col. 1, ll. 47-50; Col. 5, ll. 6-10.) Accordingly, Uhlig '063 does not measure the sound level emitted from the product, instead Uhlig '063 uses a waveform generator to input vibrational energy into a component to excite the component to a resonant frequency and then measures of the rate of decay of the sound level once the vibrational energy input is eliminated.

Rayment '298 is concerned with when the sound starts and when it ends, not the level or amplitude of the sound. Uhlig '063 teaches exciting the part or component to a peak sound level based on a resonant frequency and then measuring the decay rate of the sound level. Nothing in either reference suggests or teaches the combination as proposed by the Examiner. Further, even combining these references with the "NVH Reduction Trends" as proposed by the Examiner does not result in applicants' claimed invention.

Respectfully submitted,

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Dated: 6/26/06

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